

REMARKS

In the Office Action, the Examiner objected to the claims 1 – 50, rejected claims 1 – 50 under the second paragraph of section 112, rejected claims 1 – 50 as directed to non-statutory subject matter, and rejected claims 1 – 50 as anticipated by Doyle.

Claim Objection

The claims 2, 5 25 and 48 have been amended to overcome the objections.

35 USC §112, 2nd ¶

The claims have been amended so that they are directed to a method, according to the Examiner's understanding.

35 USC §101

The machine or transformation test as set out in the action and as derived from the line of cases leading to the In re Bilski decision, provides that a process is patent eligible if it is tied to another statutory class. The specification of the present application provides, for example on pages 7 and 8, that programs are provided that run on a standard operating system platform; they are implemented either in the computer system of the customer system or on servers of the respective provider center, for instance a Customer Service Center. On page 16 is disclosed a computerized maintenance management system 148. On page 21 is provided that [t]hese processes are performed using various computers, including network computers and personal computers. On page 38, computerized maintenance solutions offer an efficient maintenance operation using computers to plan, schedule and record maintenance work. The computers run software for such tasks which is also capable of handling materials management and spare parts logistics.

The claims have been amended to tie the method to the statutory class of computers. Applicants submit that the method is patent eligible.

Further, claims 7, 8 and 9 provide for a written manual (cl. 7), a computer readable media on which is stored the manual (cl. 8), and a CD-ROM (cl. 9), each another statutory class. Claim 35 claims servers, another statutory class.

35 USC §102(b)

The Doyle reference broadly discloses business modeling for the purposes of managing the business. Management tools and management processes are discussed throughout. Doyle asks, what is, what should be, what to do, how to do it? Doyle applies software process model, control logic models and generates a question map. Doyle teaches that integrating business management planning, business execution and management/operational software development is provided.

Doyle does not disclose a method of supplying technical services to a production plant, however. Doyle does not disclose utilizing regional business information.

The inventors do not seek to manage a business or to run the business as in Doyle. The business owners and managers of the plant have the specialized skills and knowledge to manage and run the business, in other words to perform the primary work of the business, whether that business is to provide transportation or medical services or to produce a product or process a resource. The inventors seek to provide the technical services that support the primary work of the business and that ensures that the business runs in an efficient manner. The technical services can include maintenance for systems and devices used in the business, providing technical support for the technical systems and the like.

The claimed invention provides that an empirical database is consulted wherein the empirical database including data from project experience, regional business information, data relating to technical equipment, and cost models. This combination is not found in Doyle. Claim 1 is therefore patentably distinct from the teachings of Doyle.

Applicants are unable to find teachings of the centers for excellence in the passages cited by the Examiner for claims 19 – 23. The Examiner's assistance in locating this information is respectfully requested.

Additional Art

The additional art cited by the Examiner but not relied upon is noted by the Applicants.

Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the forgoing.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,



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